

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed July 27, 2007. At the time of the Final Office Action, Claims 6-20 were pending in this Application. Claims 6-20 stand rejected.

Rejections under 35 U.S.C. §103

Claims 6-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,343,549 issued to Shizurou Tokiwa ("Tokiwa") in view of U.S. Patent 5,947,023 issued to Wolfgang Bohrer et al. ("Bohrer et al."). Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The Examiner stated that that Tokiwa discloses (as in claim 6 of the present application) a data transmission system for use in a machine, comprising a plurality of drive systems each comprising an associated control functional unit wherein each control functional unit only controls the drive system to which it is associated. The Examiner further correctly analyzed that Tokiwa does not disclose the remaining limitation of claim 6:

control computers associated to each drive system linked through a first control network and coupled with said control functional units to perform high level process control;

a second independent network interconnecting said control functional units for real time cross-communication there between,

whereby information relating to movement control from any one of said control functional units is simultaneously transmitted to all of the other of said control functional units.

The Examiner then states that *Tokiwa*, however, discloses in column 3, lines 30-35 that if one loop of the network failed the other of the network line 5 can still be used to communicate. The Examiner made not clear to which element of the independent claims this teaching refers. It is, however, respectfully disagreed that this argument is relevant. Applicant is not claiming a redundant network. Applicant claims a first network that links the control computers with the control functional units and a second network that interconnects the functional units for real time cross communication. *Tokiwa* does not disclose such an arrangement. According to *Tokiwa* the functional units cannot communicate with each other let alone communicate in real time cross communication. To this end *Tokiwa* states:

Furthermore, the network line 5 is formed into a loop shape so that should any one of the network line 5 fail, signal communication between the master control sections 1 and 2 and #11-#18, #21-#28, #31-#38, and #41-#48 of the slave control sections 3 can be maintained via the other of the network line 5.

Tokiwa, col. 3, lines 30-35. thus, only the master units communicate with the functional units.

Alternatively, the Examiner stated that *Bohrer* teaches in col. 5, lines 32-36 that there are two buses, a parameterization and a synchronization bus. Again, Applicant respectfully likes to point out that this teaching is also irrelevant to the above limitation. *Bohrer* also does not disclose control computers coupled to a plurality of functional units via a first network and a second network that couples the functional units to be able to communicate in real time cross communication.

Furthermore, the Examiner stated that *Bohrer* discloses control functional units in the form of control units 50 in Fig. 4. The Examiner explicitly states that the control units 50 can read upon the plurality of computer control units being associated to only one drive system. Furthermore, the Examiner states that *Bohrer* discloses in col. 7, lines 14-50 the

implementation of a redundant design which allegedly means that the plurality of devices 50 of Bohrer are associated with only one drive system as seen in Fig. 4. Applicant respectfully disagrees.

Bohrer merely teaches that a higher level device 50 operates according to a master slave principle. See Bohrer, col. 6, lines 30-31. The master device is the higher level device 50 and the slave device is the drive unit itself. Bus 44 is used to perform communication between this master and slave unit. According to the Examiner the higher level device 50 compares to the functional units of the independent claims. However, Bohrer fails to teach that there are multiple of these higher level devices 50 that communicate with each other in real time cross communication.

The Examiner stated that a redundant design as disclosed in col. 7, lines 14-50 of Bohrer provides for this limitation. Applicant respectfully disagrees. Fig. 4 shows the associated structure of such a redundant design. Bohrer clearly discloses that each higher level device 50 controls a plurality of drive systems and that there is no communication between the higher level devices 50.

The Examiner stated in the section "Response to Arguments" that the various printing stations 14 can be interpreted as a single drive system. Applicant respectfully disagrees. Even if the various printing stations are interpreted as a single drive system, Bohrer still fails to teach a communication between the unit 50 on the left side and the unit 50 on the right side, let alone a real time cross communication between these units.

Hence, Applicant believes that the independent claims 6, 15, 18, and 19 are not rendered obvious by the cited prior art. Applicant respectfully submits that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicant respectfully requests reconsideration and allowance of the dependent Claims. Applicant reserves the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

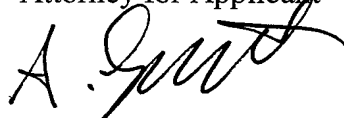
CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney, Andreas Grubert, at 512.322.2545.

Respectfully submitted,
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